

### **REMARKS/ARGUMENTS**

In the specification, the second paragraph on page 4 has been amended to replace reference numeral "70" with - 60 -.

Applicant respectfully requests entry of this amendment in place of the response submitted on October 21, 2004. In this response Applicant has provided the proper identifier with respect to claim 25 in compliance with 37 C.F.R. 1.121(c). The remaining amendments are identical to those submitted in Applicant's response filed on October 21, 2004; copies of the amended drawings originally submitted in Applicant's October 21, 2004 amendment are included herewith.

In the amended Figures, the current reference numerals have been replaced by larger reference numerals and the two figures separated into two pages for clarification purposes. In Figure 2, omitted reference numeral "80" has been entered. The figures have been appropriately renumbered as Figure 1 and Figure 2.

Original claims 1-17 have been cancelled. New claims 18 to 33 have been added in light of the Examiner's comments and to further define the present invention.

The Examiner has rejected original claims 1, 4-5, 10-12 and 15 under 35 USC 103(a) as being unpatentable over Godfrey, U.S. Patent 5, 778,083. Claim 1 has been rewritten as new claim 18. Claims 10 and 11 have been rewritten as new claims 26 and 27.

It is believed that new claim 18, currently revised in a Jepson style claim, together with the new claims 19-25 dependent upon new claim 18, and along

with new claims 26 and 27 with their dependent claims 28 to 33 clearly distinguish over Godfrey US Patent No. 5,778,083.

It should be appreciated that there is a fundamental difference between the prior art, as represented by Godfrey and also illustrated in Figure 1 of the present application, and the present invention as described in the present application and defined in the claims at issue.

In the prior art there are a plurality of microphones and a plurality of speakers, more specifically a speaker for each microphone. Effectively, each microphone is connected to a particular speaker, with the speakers in the same pattern as the microphones. Thus, all seven microphones in Figure 1, for example, are connected to seven speakers.

In the present invention, the microphones are not connected to individual speakers. Firstly, in the arrangement as illustrated in Figure 2, the microphones are connected to six inputs of the sound processor. Thus, each input of the sound processor has a connection to a particular microphone. No such coupling of outputs occurs in the prior art. Further, the sound processor has only two outputs with two speakers connected individually to the outputs. Thus, there is no connection from a single microphone to a single speaker. The outputs from the microphones are combined and processed in the sound processor and presented at the two outlets. The result is an apparent surround sound, as originally produced by multiplicity, i.e. seven speakers, and now provided by only two speakers.

This is quite distinct, is novel and patentable. With claims 18, 26 and 27 clearly distinguishing over the prior art, the dependent claims thereupon are believed allowable.

The arguments above clearly apply to new claim 26, originally claim 10. In the prior art, a plurality of microphones are connected individually to a plurality of speakers, a speaker for each microphone. New claim 26 clearly defines the connection of a plurality (at least 5) of microphones to two speakers.

Claim 28 is dependent on claim 26 and is therefore considered allowable. The prior art does not disclose a plurality (at least 5) of microphones connected to two speakers.

Claim 11 has been rewritten as claim 27, and the above arguments clearly apply. There is no disclosure in the prior art of connecting at least 5 microphones to two speakers while still retaining the surround sound effect.

The Examiner has rejected original claims 2-3, 13, 14, 16 and 17 under 35 USC 103(a) as being unpatentable over Godfrey in view of Julstrom, U.S. Patent 5,673,327. Claims 19 to 25 depend from new claim 18, claims 28 to 30 depend indirectly from new claim 26, and claims 31 and 33 depend indirectly from new claim 27.

As claims 18, 26 and 27 are believed to define over the prior art, the dependent claims are also considered to define over the prior art. The citation of Julstrom does not, in any way, provide any additional support to Godfrey with respect to revised claimed subject matter. Julstrom is only directed to a control system and does not in any way attempt to describe how the multiple speaker requirement of Godfrey can be reconfigured to the two speaker arrangement of the present invention.

The Examiner has rejected original claims 6 and 7 under 35 USC 103(a) as being unpatentable over Godfrey in view of the Applicant's admitted prior art. As these claims have been rewritten as new claims 22 and 23, and are

dependent from new claim 18, which is believed to be allowable over Godfrey, these claims are also considered to be allowable. These claims include the feature of a top and bottom microphone eventually connected to only two speakers.

The Examiner has rejected claims 8 and 9 under 35 USC 103(a) as being unpatentable over Godfrey in view of Gajewski et al. U.S. Patent 5,630,175. As these claims have been rewritten as new claims 24 and 25, and are now dependent directly or indirectly on new claim 18, which is believed to be allowable, these claims are also considered to be allowable. Gajewski et al. still has microphones each connected to a particular designated speaker. The provision of multiple (4) microphones individually connected to multiple (4) speakers still does not disclose the feature of the present invention.

As it is believed that the new independent claims 18, 26 and 27 clearly distinguish over the prior art Godfrey, therefore it is also believed that the dependent claim 1 also clearly distinguish over the prior art.

Original claims 1, 10 and 11 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10, 11, 12, 13, 16 and 19 of U.S. Patent No. RE 38350 E in view of Godfrey. In view of the above objection, Applicant respectfully draws to the Examiner's attention that Applicant has filed a terminal disclaimer originally submitted with Applicant's October 21, 2004 amendment.

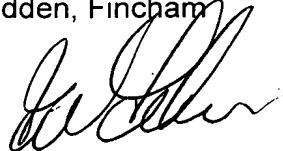
It is believed the above amendments overcome the Examiner's objections. Applicant respectfully requests that a timely Notice of Allowance is issued in this case. If there are any remaining issues whatsoever, would the Examiner

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kindly contact the undersigned as soon as possible so that the matter may receive immediate attention in the interests of the Applicant obtaining allowance as early as possible.

Respectfully submitted,  
McFadden, Fincham

By

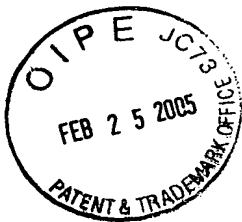


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**Amendments to the Drawings:**

The attached sheets of drawings include changes to the reference numerals to Figures 1 and 2. In Figure 2, previously omitted reference numeral 80 has been added.

Attachment: Replacement Sheet  
Annotates Sheet Showing Changes



Appln. No. 09/987,217  
Amdt. dated Oct. 21, 2004  
Reply to Office Action of June 24, 2004  
Annotated Sheet Showing Changes

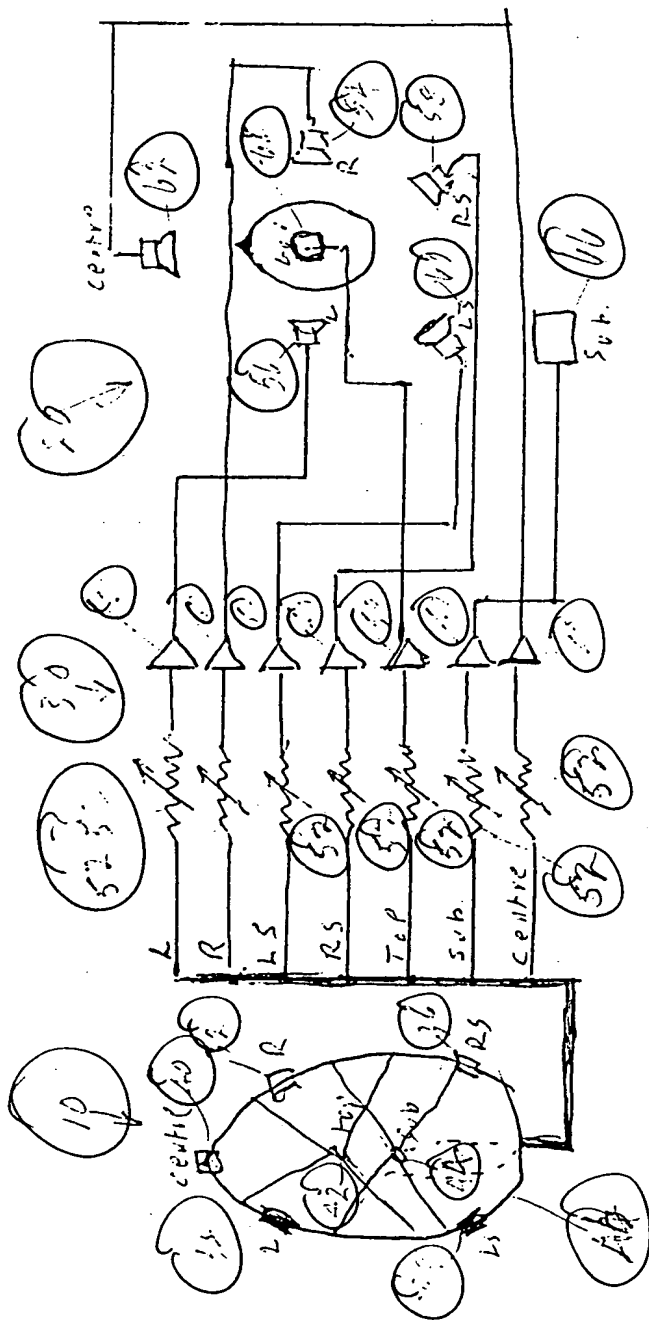


Fig. 1 PRIOR ART

